

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

RECEIVED

MAR 02 2000

RM-9096;

ET Docket No. 98-95

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
 Amendment of Parts 2 and 90 of the)
 Commission's Rules to Allocate the)
 5.850-5.925 GHz Band to the)
 Mobile Service for Dedicated Short)
 Range Communications of Intelligent)
 Transportation Services)

DOCKET FILE COPY ORIGINAL

COMMENTS OF ITS AMERICA

The Intelligent Transportation Society of America ("ITS America"), by its counsel, hereby submits its Comments on the Petition For Clarification of Mark IV Industries, Limited, IVHS Division ("Mark IV") and the Petition For Reconsideration or Clarification of Panamsat Corporation ("Panamsat") submitted on December 27, 1999 in the above-captioned proceeding.

The subject Report and Order, FCC 99-305 (October 22, 1999) ("R&O") allocated the 5.850-5.925 GHz Band to Dedicated Short Range Communications ("DSRC") of Intelligent Transportation Services. There (at para. 5), the Commission found that "[t]he record in this proceeding overwhelmingly supports the allocation of spectrum for DSRC-based ITS applications to increase traveler safety, reduce fuel consumption and pollution, and continue to advance the nation's economy." The Commission deferred to a later proceeding the adoption of licensing and service rules and channelization plans pending industry and US Department of Transportation DSRC standards development activity.

At the outset, ITS America commends the FCC for its timely action in allocating spectrum for DSRC-based ITS services. The Commission's leadership in this area is particularly

No. of Copies rec'd. 0 + 11
 List ABOVE

critical since the record here shows that the swift availability of adequate spectrum to support a robust ITS infrastructure will, above all, save lives through improved traffic safety,

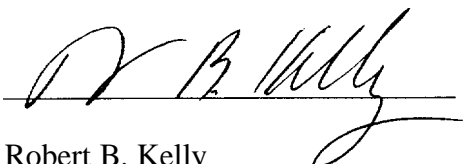
In its Petition, **Mark IV** requests that the Commission modify Section 90.205(m) to permit antenna input power of 4 watts or **36** dbm with no change to the EIRP limit of 30 watts. **Mark IV** further requests that the Commission modify Section 90.210 of its Rules to provide that compliance measurements may be conducted at the transmission line output/antenna input. **ITS America** generally believes these modifications will enhance the flexibility of DSRC operations and contribute to more efficient band usage. **ITS America** suggests that these modifications be considered by the FCC in the context of the servicer and licensing rule proceeding rather than on reconsideration or clarification of the R&O. This will enable consideration of these and any other appropriate modifications in the context of specific licensing rules and band channelization plans. **Mark IV** has indicated in its Petition that it would have no objection to consideration of these modifications in the licensing and service rule proceeding.

In the R&O (at para. 15), the FCC concluded that DSRC applications are compatible with FSS uplinks in the 5.850-5.925 GHz band. The Commission noted it did not anticipate that prior coordination between DSRC and FSS stations would be necessary, but that DSRC systems may in some cases need to avoid areas near incumbent FSS stations. In its Petition (at 2), **Panamsat** requests that the FCC reconsider or clarify this aspect of the R&O, expressing a concern that absent a coordination procedure, widespread DSRC deployment could give rise to broad exclusion zones within which **FSS** operators could not deploy new earth stations. **Panamsat** earlier stated in this proceeding that “it does not appear that, by itself, the proposed allocation for ITS systems, operating within technical parameters proposed in the NPRM, will cause harmful

interference to FSS operations at 5.8 GHz.”¹ ITS America recognizes that it is incumbent on all band occupants to be good spectrum neighbors to maximize the band usage. ITS America is committed to working with FSS licensees to develop guidelines to ensure that their incumbent operations are not disrupted by DSRC use of the band. ITS America, however, agrees with the FCC that prior coordination of all DSRC and FSS operations is likely not necessary and, indeed, would be unduly burdensome and costly. ITS America thus believes that reconsideration or clarification of the R&O on this issue is unnecessary. Indeed, as contemplated by the R&O, if appropriate, the FCC may consider the need for coordination of DSRC and FSS band usage in the licensing and service rules proceeding in the context of a specific band channelization proposal.

Respectfully submitted,

ITS America

By: 

Robert B. Kelly
Squire, Sanders & Dempsey L.L.P.
1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20044
(202) 626-6600

Its Counsel

March 2, 2000

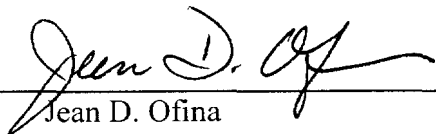
¹ PanAmSat Comments, ET Docket 98-95 (September 13, 1998) at 1.

CERTIFICATE OF SERVICE

I, Jean D. Ofina, hereby certify that a copy of the foregoing Comments of ITS America was served this 2nd day of March 2000 by hand delivery upon the following:

Henry Goldberg
Joseph A. Godles
W. Kenneth Ferree
GOLDBERG, GODLESS, WIENER & WRIGHT
1229 Nineteenth Street, N.W.
Washington, D.C. 20036

George Y. Wheeler
KOTEEN & NAFTALIN, L.L.P.
1150 Connecticut Avenue, N.W., Suite 1000
Washington, D.C. 20036



Jean D. Ofina

DATED: March 2, 2000